

INDEPENDENT POLICE REVIEW AUTHORITY
LOG #1062003 / U# 13-18

INVESTIGATION

NUMBER: LOG #1062003 / U #13-18

OFFICER #1

INVOLVED: "Officer A" (Chicago Police Officer); Male/White; 32 years old;
On- Duty; In Uniform; Year of Appointment – 2007

OFFICER #1

INJURIES: None

WITNESS

OFFICER #1: "Officer B" (Chicago Police Officer); Male/lack; 34 years old;
On- Duty; In Uniform; Year of Appointment – 2004

SUBJECT: "Subject 1"; Male/Black; 16 years old

SUBJECT'S

INJURIES: Five gunshot wounds to the back, Fatal.

INITIAL

INCIDENT: Battery in progress.

DATE/TIME/

LOCATION OF

INCIDENT: 05 May 2013; 1618 hours. 1240 ½ S. Independence Blvd.
(On the street) Beat 1011

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SUMMARY OF INCIDENT:

On 05 May 2013, at approximately 1615 hours, Officer A and Officer B, were driving northbound on Independence Boulevard from 13th Street on the way to a large street fight at Independence and Roosevelt. Officer B was the driver and Officer A was the passenger. As the officers were approaching the GoLo gas station on the southeast corner of Independence and Roosevelt, they heard loud reports coming from the direction of the BP gas station, which is directly across the street from GoLo gas station on the southwest corner of Independence Boulevard and Roosevelt Road. Officer B drove over the center parkway and observed the subject, now known as Subject 1, riding a bicycle and discharging a weapon at a group of unknown individuals who were standing in the vicinity of Independence Boulevard and Roosevelt Road near the BP gas station. Subject 1 continued riding his bicycle south on Independence Boulevard as he discharged his weapon at the unknown individuals behind him. The officers pursued Subject 1 and drove directly behind him. Officer A and B ordered Subject 1 to stop and drop his weapon. Subject 1 did not comply. Subject 1 continued riding his bicycle and then turned back and fired his weapon at the officers. Officer A then discharged his weapon at Subject 1, striking him. Subject 1 fell in the intersection of 13th Street and Independence Boulevard. Officer A and B stopped their vehicle, approached Subject 1, and handcuffed him. Subject 1 was then transported to Mount Sinai Hospital. where Subject 1 was pronounced dead on arrival.

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The **Department Reports** documented that the involved officers, Officer A and Officer B responded to a disturbance at Church's Chicken located at 1151 S. Independence Boulevard. Simultaneously, there were also shots fired in the area of the BP Gas Station located at 3803 West Roosevelt. Officer B drove across the grassy parkway, southbound on Independence, across the street from the GoLo Gas Station, in pursuit of Subject 1. While riding his bicycle, Subject 1 turned and fired twice at a group of rival gang members standing on the sidewalk along side of the BP Gas Station. The officers had their emergency lights and siren activated as they pursued Subject 1. Subject 1 rode his bicycle southbound on Independence as he attempted to elude the officer's apprehension. At approximately 1240 S. Independence, while Subject 1 rode his bicycle, he turned back and fired multiple shots at the officers. Officer A, while seated in the front passenger seat of his unmarked vehicle, fired six rounds, five of them struck Subject 1. The Officers pulled along side of Subject 1 and took him into custody. Paramedics took Subject 1 to Mt. Sinai Hospital where he was pronounced dead on arrival by Doctor A. The department reports are consistent with the summary writing, this report, and the statements provided by the involved officers.

A Canvass of the location of the incident was met with negative results.

Witness 1 was located on the canvass. Witness 1 stated in essence while working as a home care aide at 1234 S. Independence she heard two gunshots. Witness 1 stepped out on to the balcony and she observed a young subject riding his bicycle southbound on Independence towards 13th Street. As the subject, now known as Subject 1, rode his bicycle, he continued to ride southbound while holding and firing a handgun. Once Witness 1 heard the gunshots, she ducked down on the balcony. After hearing a succession of rapid gunshots, she looked up and saw the boy had fallen over his bicycle. Witness 1 stated that the police stopped and parked their car. The officers went up to Subject 1 and handcuffed him.

In a statement to IPRA on 06 May 2013, Witness 2 stated that she was in the vicinity of Independence between Roosevelt and 13th Street. She was talking to some friends when she heard what she initially thought were fireworks but then realized shots were being fired. Witness 2 described a young boy riding on a bicycle and another boy standing on the sidewalk shooting at one another. Witness 2 did not see the police shoot the boy on the bike. Witness 2 stated that she saw the youth who was on the bike lying on the ground.

In a Statement to IPRA on 05 May 2013, Officer A provided an account of the incident that is consistent with the Summary of Incident and related Department Reports. Officer A related that he was working with Officer B in an unmarked police vehicle. Officer B was driving the vehicle and Officer A was the front seat passenger. Officer A related that they were responding to a gang disturbance at Church's Chicken at Independence and Roosevelt. While traveling northbound in the vicinity of 13th Street and Independence, they both heard gunshots being fired. Officer B immediately informed

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the dispatcher of the loud report in the area, followed by one or two more shots being fired. As Officer A and his partner Officer B preceded northbound on Independence from 13th Street, they can see people hiding behind cars and pointing westbound across Independence Boulevard, motioning that the shots were coming from that direction. Officer A related that Officer B cut across the grassy parkway that separates both sides of Independence Boulevard. Officer A stated that he told Officer B that he saw a black male individual, wearing blue with short dreadlocks, on a bike with a gun in his right hand. Officer A stated that he told his partner, Officer B, that the kid on the bike had a gun. Officer A stated that he said kid because he looked pretty young. The rider was traveling southbound on his bicycle in the bike lane. The rider fired about two, three or four rounds. Officer A stated that the rider aligned himself and began shooting at the crowd on the sidewalk. This was the second time he shot at the crowd. Officer A stated that Officer B activated his horn and his headlights. Officer A stated that the bike rider turned around a third time and this time the rider began shooting in their direction. Simultaneously, while seated as the front passenger, Officer A stated that he leaned out the front passenger window and fired his weapon about six or seven times at the offender. Officer A stated that Officer B informed the dispatcher that shots were being fired at the police and shots were fired by the police. Officer A stated that he fired another three times at the offender and he then fell off his bike on to the street at 13th Street and Independence Boulevard. The offender's gun fell beneath his right hand as he lay on the street. Officer A stated that Officer B kicked the gun away from him to make sure the offender does not shoot at them. Officer A stated that Officer B secured one cuff to the offender's wrist and he, Officer A, complete the handcuffing of the offender. Officer A stated that Officer B attention was directed at the on-coming crowd that was advancing towards them. Additional police units arrived and assisted in controlling the crowd.

In a Statement to IPRA on 05 May 2013, Officer B provided an account of the incident that is consistent with the Summary of Incident and related Department Reports. Officer B related that he was working with Officer A in an unmarked police vehicle. Officer B was driving the vehicle and Officer A was the front seat passenger. Officer B related that they were responding to a gang disturbance at Church's Chicken at Independence and Roosevelt. While traveling northbound in the vicinity of 13th Street and Independence, Officer B heard one shot being fired. Officer B stated that he immediately informed the dispatcher of the loud report in the area, followed by one or two more shots being fired. As Officer B and his partner Officer A preceded northbound on Independence from 13th Street, they can see people and hiding behind cars and pointing westbound across the Independence Boulevard, motioning that the shots were coming from that direction. Officer B further related that he cut across the grassy parkway that separates both sides of Independence Boulevard when his partner, Officer A saw a black male individual on a bike with a gun in his right hand going southbound on Independence Boulevard. Officer B stated that he could see that the gun was a blue steel, semiautomatic and the bike rider kept reaching over his right shoulder and pointing the weapon at the crowd. Seconds later, Officer B stated that he witnessed the bike rider shooting at the crowd of people. Officer B stated that the bike rider fired between eight or nine times. Officer B stated that he honked his horn at the rider and the rider then turned around and pointed his weapon over his right shoulder, as he rode southbound, and fired

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in their direction. Simultaneously, while seated as the front passenger, Officer A leaned out the front passenger window and fired his weapon about six or seven times at the offender. Officer B stated he informed the dispatcher that shots were being fired at and by the police. Officer B stated that Officer A fired another three times at the offender and he then fell off his bike on to the street at 13th Street and Independence. The offender's gun fell beneath his right hand as he lay on the street. Officer B stated that he kicked the gun away from him to make sure the offender does not shoot at them. Officer B secured one cuff to the offender's wrist and had his partner, Officer A, complete the handcuffing of the offender because his attention was directed at a crowd that was advancing towards them. Additional police units arrived and assisted in controlling the crowd.

Officer A's Tactical Response Report documented that he discharged his firearm 7¹ times at Subject 1 in response to Subject 1 shooting at Officer A.

Office of Emergency Communications (OEMC) Event Query and Radio Transmission Summary documented that the dispatcher reported numerous calls regarding a large gang fight and a battery in progress at Roosevelt and Independence Boulevard. Beat 1063-Eddie/Charlie responded to the radio simulcast of a battery in progress and a gang fight at GoLo Gas Station at southeast corner of Roosevelt and Independence Boulevard and then reported shots fired in the vicinity.

Evidence Technician Photographs documented the shooting scene, the officer's weapon, nine live rounds, and the subject's weapon.

A Chicago Fire Department EMS Report documented that CFD Ambulance #33 responded to the scene and Subject 1 was found lying on the ground unresponsive and not breathing with blood coming from his mouth, nose and ears. According to EMS personnel, patient appeared to have GSW to head and possibly four entry wounds to the back and an exit wound to his right upper chest.

Medical Records for Subject 1 from Mt. Sinai hospital documented that Subject 1 entered Mt. Sinai with pupils fixed and dilated. No treatment was rendered and he was pronounced dead on arrival by Doctor A at 1651 hours.

Crime Scene Processing Report documented that Subject 1 clothing were inventoried, a gun shot residue kit was taken, and a description of GSW to Subject 1's body.

Inventory Report # 12897689 documented that Subject 1's weapon was recovered: A black finish Hi Point, firearms, Bee Miller, Inc. Model CF 380,ACP, Caliber 380, 3.5" barrel was recovered with one chambered round and three rounds in the magazine. Offender's Weapon.

¹ It should be noted that Officer A's Tactical Response Report inaccurately noted that he fired 7 shots. Officer A actually fired 6 shots.

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A Laboratory Report from the Illinois State Police, Division of Forensic Services, dated 24 May 2013, documented that one ISP SEM/GSR kit was examined for presence of primer gunshot residue from Subject 1's right and left hand. The report concluded that Subject 1 discharged a firearm, contacted PGSR related item or had his right hand in the environment of a discharged firearm.

A Laboratory Report from the Illinois State Police, Division of Forensic Services, dated 10 May 2013, documented that three bullets were fired from Officer A's Glock, Model 19, 9mm, Luger, semiautomatic pistol, serial # LMK 882 along with one Winchester 9mm, Luger +P unfired cartridges examined for caliber and type as well as nine Winchester 9mm, Luger +P unfired cartridges and one Magazine.

Office of Medical Examiner, Report of Postmortem Examination conducted on 6 May 2013, by Doctor B. In the postmortem report, Doctor B concluded that decedent, Subject 1, was shot by the police and he died of multiple distant-range gunshot wounds of back, trachea, aorta, and bilateral lungs.. In addition, Subject 1 had several gunshot-associated fractures of his rib cage and vertebra. Three medium, caliber, copper-jacketed bullets were recovered for evidence from the soft tissue of the right chest. Doctor B classified the cause of death as a homicide. The results of the toxicologic analyses documented that Subject 1 had no drugs in his blood.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order 02-08-03, III:

- A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
 - 1. to prevent death or great bodily harm to the sworn member or to another person, or;
 - 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon, or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

The actions of Officer A were in accordance with both conditions of CPD's deadly force policy. Officer A observed Subject 1 discharging a weapon in the direction of rival gang members and then pointed his gun at both officers, Officer A and Officer B. Based on the totality of the circumstances, Officer A's actions were justified as he reasonably feared for his life when Subject 1 pointed a handgun and fired several shots in his direction.